

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1065 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/01/2005 in
WP NO : 11245 OF 1994 on the file of the High Court.)

Between:

Konda Girija, W/o. Late Lakshmaiah.
Rajakala Colony, Mangalagiri, Guntur.

..... APPELLANT

AND

- 1 The District Collector, Khammam.
- 2 The Collector, Survey and Land Records,
Khammam.
- 3 The Director, Survey and Settlement,
Govt. of A.P., IV Floor, Gagan Vihar, OPP:Gandhi Bhavan, M.J.Road,

Hyderabad.

- 4 The Conservator of Forests, District Forest Officer,
Khammam.
- 5 Divisional Forest Officer, Palavancha Division,
Khammam.
- 6 Mandal Revenue Officer, Pinapaka Revenue Mandal,
Khammam.

.....RESPONDENTS

Counsel for the Appellant: MR.A.ANANTHA REDDY

Counsel for the Respondent Nos. 1 to 3 and 6: GP FOR REVENUE

Counsel for the Respondent No.s 4 and 5 : G.P.FOR FOREST

The Court made the following :

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JUDGMENT: (Per the Hon'ble Smt Justice T. Meena Kumari)

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The present writ appeal is preferred against an order, dated 20.01.2005 passed by a learned Single Judge of this Court in Writ Petition No.11245 of 1994.

2. The appellant is the writ petitioner. She filed the writ petition No.11245 of 2005 seeking a direction to the respondent No.4 for deletion of Ac.50.00 of patta land covered by Survey No.26/1 Sarjathupally Village, Pinapaka Revenue Mandal, Khammam District, from the notified reserve forest and to hand over the said land under panchanama to the petitioner.

3. Brief facts in the writ petition are that the father of the petitioner purchased the patta rights of Seggam Kitchulu to an extent of Ac.50.00 of land demarcated as Survey No.26/1 in July, 1953 and her father's name was mutated. Till his death, the father of the petitioner paid the revenue and subsequently, the revenue department stopped the collection of land as the Forest Department wrongly notified the said land. On the death of her father, the petitioner acquired full and absolute title to the said land and she approached the revenue authorities for release of the land in question, but they are not taking any steps. Hence, the writ petition.

4. Per contra, the respondents filed a counter-affidavit stating that the land falls under the reserve forest area. After the publication of the preliminary notification under section 4 of the Andhra Pradesh (Telangana Area) Forest Act, 1355 Fasli (for short 'the Act') in the gazette on 17.08.1957, the Forest Settlement Officer made the proclamation under Section 6 of the Act inviting claims from the persons having rights in the area and the Forest Settlement Officer adjudicated all the cases filed before him and passed orders, which were approved by G.O.Ms.No.1642, Food and Agriculture (Forest. III) dated 16.06.1965 and the land in question has all along been in possession of the Forest Department and hence, the petitioner is not entitled to claim any rights over the same and therefore, the order under appeal is sustainable.

5. The learned Single Judge having observed that since the land in question has been in continuous possession of the respondents, no directions can be passed and the writ petition is a misconceived, dismissed the same. Aggrieved by the same, the present writ appeal has been preferred.

6. The learned counsel for the appellant contends that the notification published by the respondents is not in accordance with law and that the Forest Settlement Officer

disposed of the claims filed before him by one person Konda Ilaiah, who was no way concerned with the land in question. He further contends that ignoring all these aspects, the learned Single Judge passed the order under appeal and therefore, the same is liable to be set aside.

7. On the other hand, both the Government Pleaders contend that the petitioner has no right in the land in question and the same is a part of reserve forest area and the order under appeal needs no interference.

8. On a perusal of the record clearly goes to show that the land in question is in possession of the respondents. The petitioner made representations to get the land released from reserve forest. Except making representations before the authorities concerned, she did not make any attempts to prefer any statutory appeal before the authorities under the provisions of the A.P. (Telangana Area) Forest Act. In view of the same, the finding recorded by the learned Single Judge that the writ petition is misconceived, do not warrant any interference by this Court.

In the result, this writ appeal is dismissed. No order as to costs. However, the appellant is at liberty to avail the remedies under the provisions of the A.P. (Telangana Area) Forest Act.

T. MEENA KUMARI, J

P. LAKSHMANA REDDY, J

22.06.2005

Nn.

Copy to:

- 1 The District Collector, Khammam.
- 2 The Collector, Survey and Land Records,
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- 3 The Director, Survey and Settlement,
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Khammam.
- 6 The Mandal Revenue Officer, Pinapaka Revenue Mandal,
Khammam.
7. Two C.Cs to the G.P. for Revenue, High Court Buildings, High Court of
A.P., Hyderabad. (O.U.T)
8. Two C.Cs to the G.P. for Forest, High Court Buildings, High Court of A.P.,
Hyderabad. (O.U.T)
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